

FILED MAR 04 1999

By Bonner

H. B. No. 2296

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of boilers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 755.001, Health and Safety Code, is amended to read as follows:

Sec. 755.001. DEFINITIONS. In this chapter:

(1) "Alteration" means a substantial change in an original design.

(2) "Board" means the board of boiler rules.

(3) "Boiler" means:

(A) a heating boiler;

(B) a nuclear boiler;

(C) a power boiler; [or]

(D) an unfired steam boiler; or

(E) a process steam generator.

(4) "Certificate inspection" means the required internal or external [a] boiler inspection, the report of which is used by the chief inspector to decide whether to issue a certificate of operation.

(5) "Certificate of operation" means a certificate issued by the commissioner to allow the operation of a boiler.

(6) "Commissioner" means the commissioner of licensing and regulation.

(7) "Department" means the Texas Department of

1 . Licensing and Regulation.

2 (8) "External inspection" means an inspection of the  
3 exterior of a boiler and its appurtenances that is made, if  
4 possible, while the boiler is in operation.

5 (9) "Heating boiler" means a steam heating boiler, hot  
6 water heating boiler, hot water supply boiler, or [lined] potable  
7 water heater that is directly fired with oil, gas, solar energy,  
8 electricity, coal, or other solid or liquid fuel.

9 (10) "High-temperature water boiler" means a water  
10 boiler designed for operation at pressures exceeding 160 pounds per  
11 square inch or temperatures exceeding 250 degrees Fahrenheit.

12 (11) "Hot water heating boiler" means a boiler  
13 designed for operation at a pressure not exceeding 160 pounds per  
14 square inch or temperatures not exceeding 250 degrees Fahrenheit at  
15 or near the boiler outlet.

16 (12) "Hot water supply boiler" means a boiler designed  
17 for operation at pressures not exceeding 160 pounds per square inch  
18 or temperatures not exceeding 250 degrees Fahrenheit at or near the  
19 boiler outlet if the boiler's:

20 (A) heat input exceeds 200,000 British thermal  
21 units per hour;

22 (B) water temperature exceeds 210 degrees  
23 Fahrenheit; or

24 (C) nominal water-containing capacity exceeds  
25 120 gallons.

26 (13) "Inspection agency" means an authorized  
27 inspection agency providing inspection services.

1 (14) "Inspector" means the chief inspector, a deputy  
2 inspector, or an authorized inspector.

3 (15) "Internal inspection" means a complete and  
4 thorough inspection of the interior waterside and fireside areas of  
5 a boiler as construction allows.

6 (16) "Nuclear boiler" means a nuclear power plant  
7 system, including its pressure vessels, piping systems, pumps,  
8 valves, and storage tanks, that produces and controls an output of  
9 thermal energy from nuclear fuel and the associated systems  
10 essential to the function of the power system.

11 (17) "Portable power boiler" means a boiler primarily  
12 intended for use at a temporary location.

13 (18) "Potable water heater" means a boiler designed  
14 for operation at pressures not exceeding 160 pounds per square inch  
15 and water temperatures not exceeding 210 degrees Fahrenheit if the  
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17 (A) heat input exceeds 200,000 British thermal  
18 units per hour; or

19 (B) nominal water-containing capacity exceeds  
20 120 gallons.

21 (19) "Power boiler" means:

22 (A) a high-temperature water boiler; or

23 (B) a boiler in which steam is generated at a  
24 pressure exceeding 15 pounds per square inch for a purpose external  
25 to the boiler.

26 (20) "Process steam generator" means an evaporator,  
27 heat exchanger, or vessel in which steam is generated by the use of

1 heat resulting from the operation of a processing system that  
2 contains a number of pressure vessels, such as used in the  
3 manufacture of chemical and petroleum products.

4 (21) [~~19~~] "Repair" means the work necessary to  
5 return a boiler to a safe and satisfactory operating condition  
6 without changing the original design.

7 (22) "Safety appliance" means a safety device such as  
8 a safety valve or a safety relief valve for a boiler provided to  
9 diminish the danger of accidents.

10 (23) "Standard boiler" means a boiler that bears a  
11 Texas stamp, the stamp of a nationally recognized engineering  
12 professional society, or the stamp of any jurisdiction that has  
13 adopted a standard of construction equivalent to the standard  
14 required by the commissioner.

15 (24) [~~20~~] "Steam heating boiler" means a boiler  
16 designed for operation at pressures not exceeding 15 pounds per  
17 square inch.

18 (25) [~~21~~] "Unfired steam boiler" means an unfired  
19 pressure vessel in which steam is generated. The term does not  
20 include [a-steam-generating-system-that-includes]:

21 (A) vessels known as evaporators or [

22 [~~B~~] heat exchangers; or

23 (B) [~~C~~] vessels in which steam is generated by  
24 using the heat that results from the operation of a processing  
25 system that contains a number of pressure vessels, as used in the  
26 manufacture of chemical and petroleum products.

27 SECTION 2. Section 755.022(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) This chapter does not apply to:

3 (1) boilers owned or operated by the federal  
4 government;

5 (2) pressure vessels or process steam generators  
6 [~~unfired--steam-boilers~~], other than steam collection or liberation  
7 drums of process steam generators [~~unfired-steam-boilers~~]; [or]

8 (3) manually fired miniature boilers that:

9 (A) are constructed or maintained for  
10 locomotives, boats, tractors, or stationary engines only as a hobby  
11 for exhibition, recreation, education, or historical purposes and  
12 not for commercial use;

13 (B) have an inside diameter of 12 inches or less  
14 or a grate area of two square feet or less; and

15 (C) are equipped with a safety valve of adequate  
16 size, a water level indicator, and a pressure gauge; or

17 (4) boilers that are designed for operation only at  
18 atmospheric pressure and that are equipped with two independent  
19 means to prevent the buildup of pressure.

20 SECTION 3. Sections 755.025(a) and (b), Health and Safety  
21 Code, are amended to read as follows:

22 (a) The commissioner shall require each boiler to be  
23 inspected internally and externally at the time of initial  
24 installation and at subsequent intervals as provided by this  
25 section. The commissioner may provide that the inspection be  
26 performed by any inspector.

27 (b) Power boilers, unfired steam boilers, and steam

1 collection or liberation drums of process steam generators must  
2 receive an annual certificate inspection and an annual external  
3 inspection.

4 SECTION 4. Section 755.026(a), Health and Safety Code, is  
5 amended to read as follows:

6 (a) With the approval of the commissioner and the inspection  
7 agency that has jurisdiction for the power boiler, the interval  
8 between internal inspections may be extended to a period not  
9 exceeding a total of 48 months. For other unfired steam boilers or  
10 steam collection or liberation drums of process steam generators,  
11 the inspection interval may be extended to the next scheduled  
12 downtime of the boiler, but not exceeding a total of 84 months.

13 SECTION 5. Section 755.027(a), Health and Safety Code, is  
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15 (a) Not later than the 30th day after the date on which a  
16 certificate inspection is performed by an authorized inspector, the  
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20 [~~1~~--the-condition-of-the-boiler,

21 [~~2~~--the-location-of-the-boiler,

22 [~~3~~--the-date-of-the-inspection,-and

23 [~~4~~--the-name-of-the-inspector].

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1 after a certificate inspection:

2 (1) the boiler is found to be in a safe condition for  
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4 (2) the owner or operator has paid the fees assessed  
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6 SECTION 7. Sections 755.032(b), (c), and (d), Health and  
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8 (b) [~~The---commissioner---may---adopt---rules---establishing~~  
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11 ~~755-025-~~

12 [(c)] The commissioner may exchange information, including  
13 data on experience, with other authorities that inspect boilers or  
14 their appurtenances, to obtain information necessary to adopt  
15 rules.

16 (c) [(d)] The commissioner or a department employee may not  
17 prescribe the make, brand, or kind of boilers or any appurtenances  
18 on the boiler to purchase.

19 SECTION 8. This Act takes effect September 1, 1999.

20 SECTION 9. The importance of this legislation and the  
21 crowded condition of the calendars in both houses create an  
22 emergency and an imperative public necessity that the  
23 constitutional rule requiring bills to be read on three several  
24 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

By Bonnen

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11 ~~755-025-~~

12 [~~e~~] The commissioner may exchange information, including  
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24 days in each house be suspended, and this rule is hereby suspended.



## BILL ANALYSIS

Office of House Bill Analysis

H.B. 2296  
By: Bonnen  
Economic Development  
3/18/1999  
Introduced

### BACKGROUND AND PURPOSE

Currently, language in the Health and Safety Code governing the installation and inspection of boilers does not conform to the American Society of Mechanical Engineers (ASME) standards. Changes bringing the two codes into conformance would allow the industry to comply with mandatory construction requirements of the code faster and more efficiently while cutting down on administrative duties for the Texas Department of Licensing and Regulation. H.B. 2296 brings current law into accordance with previously adopted language from the ASME code. This bill clarifies that owners and operators of boilers would be required to pay the fee for a boiler inspection prior to the issuance of a certificate of inspection.

### RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 755.001, Health and Safety Code, to define "potable water heater," "process steam generator," "safety appliance," and "standard boiler," and to redefine "boiler," "certificate inspection," "heating boiler," "internal inspection," "power boiler," and "unfired steam boiler."

SECTION 2. Amends Section 755.022(a), Health and Safety Code, to provide that this chapter does not apply to a pressure vessel or process steam generator, rather than unfired steam boilers, other than steam collection or liberation drums of process steam generators. Provides that this chapter does not apply to boilers that are designed for operation only at atmospheric pressure and that are equipped with two independent means to prevent the buildup of pressure. Makes nonsubstantive changes.

SECTION 3. Amends Sections 755.025(a) and (b), Health and Safety Code, to require the commissioner of licensing and regulation (commissioner) to require each boiler to be inspected internally and externally at the time of initial installation and at subsequent intervals. Provides that power boilers, unfired steam boilers, and steam collection or liberation drums of process steam generators must receive an annual certification inspection and internal inspection.

SECTION 4. Amends Section 755.026(a), Health and Safety Code, to make a conforming change.

SECTION 5. Amends Section 755.027(a), Health and Safety Code, to require the inspection agency performing a certificate inspection to file a report with the commissioner in a manner specified by the department of licensing and regulation, rather than stating the condition and location of the boiler, the date of the inspection, and name of the inspector.

SECTION 6. Amends Section 755.029(a), Health and Safety Code, to require the commissioner to issue a boiler certificate if the owner or operator has paid the fees assessed under Section 755.030 (Fees). Makes nonsubstantive changes.

SECTION 7. Amends Sections 755.032(b), (c), and (d), Health and Safety Code, to delete the authorization that the commission adopt rules establishing inspection procedures for the use of nondestructive examinations under Section 755.025. Makes conforming and nonsubstantive changes.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.

SUMMARY OF COMMITTEE ACTION

HB 2296

March 22, 1999            1:30PM  
Considered in public hearing  
Testimony taken in committee  
Left pending in committee

March 29, 1999            1:30PM  
Considered in public hearing  
Reported favorably without amendment(s)

WITNESS LIST

HB 2296  
HOUSE COMMITTEE REPORT  
Economic Development Committee

March 22, 1999 - 1:30PM

For: Mitchell, Jack L. (Dow Chemical Co.)  
Schmidt, Homer (Electric Utility Industry in Texas;  
Texas Boiler Advisory Board)  
Vickers, Charles E. (Insurance Group Boiler Advisory  
Board)

On: Bynog, George (Self)  
Ferrie, George (Texas Department of Licensing &  
Regulation)

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 19, 1999

**TO:** Honorable Jim Solis, Chair, House Committee on Economic Development

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB2296** by Bonnen (Relating to the regulation of boilers), **As Introduced**

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JK, TH, CB

2ND READING  
ENGROSSMENT

By Bonnen

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11 for exhibition, recreation, education, or historical purposes and  
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13 (B) have an inside diameter of 12 inches or less  
14 or a grate area of two square feet or less; and

15 (C) are equipped with a safety valve of adequate  
16 size, a water level indicator, and a pressure gauge; or

17 (4) boilers that are designed for operation only at  
18 atmospheric pressure and that are equipped with two independent  
19 means to prevent the buildup of pressure.

20 SECTION 3. Sections 755.025(a) and (b), Health and Safety  
21 Code, are amended to read as follows:

22 (a) The commissioner shall require each boiler to be  
23 inspected internally and externally at the time of initial  
24 installation and at subsequent intervals as provided by this  
25 section. The commissioner may provide that the inspection be  
26 performed by any inspector.

27 (b) Power boilers, unfired steam boilers, and steam

1 collection or liberation drums of process steam generators must  
2 receive an annual certificate inspection and an annual external  
3 inspection.

4 SECTION 4. Section 755.026(a), Health and Safety Code, is  
5 amended to read as follows:

6 (a) With the approval of the commissioner and the inspection  
7 agency that has jurisdiction for the power boiler, the interval  
8 between internal inspections may be extended to a period not  
9 exceeding a total of 48 months. For other unfired steam boilers or  
10 steam collection or liberation drums of process steam generators,  
11 the inspection interval may be extended to the next scheduled  
12 downtime of the boiler, but not exceeding a total of 84 months.

13 SECTION 5. Section 755.027(a), Health and Safety Code, is  
14 amended to read as follows:

15 (a) Not later than the 30th day after the date on which a  
16 certificate inspection is performed by an authorized inspector, the  
17 inspection agency employing the authorized inspector shall file a  
18 report with the commissioner in the manner specified by the  
19 department [stating:

20 [~~1~~]--the-condition-of-the-boiler;

21 [~~2~~]--the-location-of-the-boiler;

22 [~~3~~]--the-date-of-the-inspection; and

23 [~~4~~]--the-name-of-the-inspector].

24 SECTION 6. Section 755.029(a), Health and Safety Code, is  
25 amended to read as follows:

26 (a) The commissioner shall issue to the owner or operator of  
27 a boiler a certificate of operation for the boiler if [~~it-is-found]~~

1 after a certificate inspection:

2 (1) the boiler is found to be in a safe condition for  
3 operation; and

4 (2) the owner or operator has paid the fees assessed  
5 under Section 755.030.

6 SECTION 7. Sections 755.032(b), (c), and (d), Health and  
7 Safety Code, are amended to read as follows:

8 (b) [~~The---commissioner---may---adopt---rules---establishing~~  
9 ~~inspection-procedures-for-the--use--of--nondestructive--examination~~  
10 ~~equipment--to-comply-with-the-inspection-requirements-under-Section~~  
11 ~~755-025-~~

12 [~~e~~] The commissioner may exchange information, including  
13 data on experience, with other authorities that inspect boilers or  
14 their appurtenances, to obtain information necessary to adopt  
15 rules.

16 (c) [~~d~~] The commissioner or a department employee may not  
17 prescribe the make, brand, or kind of boilers or any appurtenances  
18 on the boiler to purchase.

19 SECTION 8. This Act takes effect September 1, 1999.

20 SECTION 9. The importance of this legislation and the  
21 crowded condition of the calendars in both houses create an  
22 emergency and an imperative public necessity that the  
23 constitutional rule requiring bills to be read on three several  
24 days in each house be suspended, and this rule is hereby suspended.

# HOUSE ENGROSSMENT

By Bonnen

H.B. No. 2296

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of boilers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 755.001, Health and Safety Code, is amended to read as follows:

Sec. 755.001. DEFINITIONS. In this chapter:

(1) "Alteration" means a substantial change in an original design.

(2) "Board" means the board of boiler rules.

(3) "Boiler" means:

(A) a heating boiler;

(B) a nuclear boiler;

(C) a power boiler; [or]

(D) an unfired steam boiler; or

(E) a process steam generator.

(4) "Certificate inspection" means the required internal or external [a] boiler inspection, the report of which is used by the chief inspector to decide whether to issue a certificate of operation.

(5) "Certificate of operation" means a certificate issued by the commissioner to allow the operation of a boiler.

(6) "Commissioner" means the commissioner of licensing and regulation.

(7) "Department" means the Texas Department of

1 Licensing and Regulation.

2 (8) "External inspection" means an inspection of the  
3 exterior of a boiler and its appurtenances that is made, if  
4 possible, while the boiler is in operation.

5 (9) "Heating boiler" means a steam heating boiler, hot  
6 water heating boiler, hot water supply boiler, or [lined] potable  
7 water heater that is directly fired with oil, gas, solar energy,  
8 electricity, coal, or other solid or liquid fuel.

9 (10) "High-temperature water boiler" means a water  
10 boiler designed for operation at pressures exceeding 160 pounds per  
11 square inch or temperatures exceeding 250 degrees Fahrenheit.

12 (11) "Hot water heating boiler" means a boiler  
13 designed for operation at a pressure not exceeding 160 pounds per  
14 square inch or temperatures not exceeding 250 degrees Fahrenheit at  
15 or near the boiler outlet.

16 (12) "Hot water supply boiler" means a boiler designed  
17 for operation at pressures not exceeding 160 pounds per square inch  
18 or temperatures not exceeding 250 degrees Fahrenheit at or near the  
19 boiler outlet if the boiler's:

20 (A) heat input exceeds 200,000 British thermal  
21 units per hour;

22 (B) water temperature exceeds 210 degrees  
23 Fahrenheit; or

24 (C) nominal water-containing capacity exceeds  
25 120 gallons.

26 (13) "Inspection agency" means an authorized  
27 inspection agency providing inspection services.

1           (14) "Inspector" means the chief inspector, a deputy  
2 inspector, or an authorized inspector.

3           (15) "Internal inspection" means a complete and  
4 thorough inspection of the interior waterside and fireside areas of  
5 a boiler as construction allows.

6           (16) "Nuclear boiler" means a nuclear power plant  
7 system, including its pressure vessels, piping systems, pumps,  
8 valves, and storage tanks, that produces and controls an output of  
9 thermal energy from nuclear fuel and the associated systems  
10 essential to the function of the power system.

11           (17) "Portable power boiler" means a boiler primarily  
12 intended for use at a temporary location.

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14 for operation at pressures not exceeding 160 pounds per square inch  
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16 boiler's:

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20 120 gallons.

21           (19) "Power boiler" means:

22                           (A) a high-temperature water boiler; or

23                           (B) a boiler in which steam is generated at a  
24 pressure exceeding 15 pounds per square inch for a purpose external  
25 to the boiler.

26           (20) "Process steam generator" means an evaporator,  
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1 heat resulting from the operation of a processing system that  
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3 manufacture of chemical and petroleum products.

4 (21) [~~19~~] "Repair" means the work necessary to  
5 return a boiler to a safe and satisfactory operating condition  
6 without changing the original design.

7 (22) "Safety appliance" means a safety device such as  
8 a safety valve or a safety relief valve for a boiler provided to  
9 diminish the danger of accidents.

10 (23) "Standard boiler" means a boiler that bears a  
11 Texas stamp, the stamp of a nationally recognized engineering  
12 professional society, or the stamp of any jurisdiction that has  
13 adopted a standard of construction equivalent to the standard  
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15 (24) [~~20~~] "Steam heating boiler" means a boiler  
16 designed for operation at pressures not exceeding 15 pounds per  
17 square inch.

18 (25) [~~21~~] "Unfired steam boiler" means an unfired  
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26 manufacture of chemical and petroleum products.

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1 amended to read as follows:

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4 government;

5 (2) pressure vessels or process steam generators  
6 [~~unfired--steam-boilers~~], other than steam collection or liberation  
7 drums of process steam generators [~~unfired-steam-boilers~~]; [or]

8 (3) manually fired miniature boilers that:

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10 locomotives, boats, tractors, or stationary engines only as a hobby  
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3 operation; and

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14 their appurtenances, to obtain information necessary to adopt  
15 rules.

16 (c) [~~(d)~~] The commissioner or a department employee may not  
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24 days in each house be suspended, and this rule is hereby suspended.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 19, 1999

**TO:** Honorable Jim Solis, Chair, House Committee on Economic Development

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB2296** by Bonnen (Relating to the regulation of boilers), **As Introduced**

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JK, TH, CB

1-1 By: Bonnen (Senate Sponsor - Jackson) H.B. No. 2296  
1-2 (In the Senate - Received from the House April 28, 1999;  
1-3 April 29, 1999, read first time and referred to Committee on  
1-4 Economic Development; May 6, 1999, reported favorably by the  
1-5 following vote: Yeas 6, Nays 0; May 6, 1999, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the regulation of boilers.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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1-11 amended to read as follows:

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1-14 original design.

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1-17 (A) a heating boiler;

1-18 (B) a nuclear boiler;

1-19 (C) a power boiler; [or]

1-20 (D) an unfired steam boiler; or

1-21 (E) a process steam generator.

1-22 (4) "Certificate inspection" means the required  
1-23 internal or external [a] boiler inspection, the report of which is  
1-24 used by the chief inspector to decide whether to issue a  
1-25 certificate of operation.

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1-28 (6) "Commissioner" means the commissioner of licensing  
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1-34 possible, while the boiler is in operation.

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1-51 units per hour;

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1-56 (13) "Inspection agency" means an authorized  
1-57 inspection agency providing inspection services.

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 2-26 without changing the original design.

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 2-58 for exhibition, recreation, education, or historical purposes and  
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3-26 [~~2~~]-the-location-of-the-boiler;

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 3-42 ~~equipment-to-comply-with-the-inspection-requirements-under--Section~~  
 3-43 ~~755-025-~~

3-44 [~~c~~] The commissioner may exchange information, including  
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 3-47 rules.

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 3-56 days in each house be suspended, and this rule is hereby suspended.

3-57

\* \* \* \* \*

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 2296  
 By Senator Jackson  
(Author/Senate Sponsor)  
5/6/99  
(date)

We, your Committee on ECONOMIC DEVELOPMENT, to which was referred the attached measure, have on May 4, 1999, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- do pass and be printed
- do pass and be ordered not printed
- and is recommended for placement on the Local and Uncontested Bills Calendar.
- A fiscal note was requested.  yes  no
- A revised fiscal note was requested.  yes  no
- An actuarial analysis was requested.  yes  no
- Considered by subcommittee.  yes  no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator David Sibley, Chairman	✓			
Senator Ken Armbrister, Vice-Chairman			✓	
Senator John Carona	✓			
Senator Troy Fraser	✓			
Senator Mike Jackson	✓			
Senator Frank Madla	✓			
Senator John Whitmire	✓			
<b>TOTAL VOTES</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>

**COMMITTEE ACTION**

S260 Considered in public hearing  
 S270 Testimony taken

Barbara Henderson  
 COMMITTEE CLERK

David Sibley  
 CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
 Retain one copy of this form for Committee files

WITNESS LIST

HB 2296  
SENATE COMMITTEE REPORT  
Economic Development Committee

May 4, 1999 - 9:00A

Registering, but not testifying:

For: Dipprey, Ron (Dow Chemical Co.), Austin

On: Bynoh, George (Texas Department of Licensing and Regulation),  
Paige

## BILL ANALYSIS

Senate Research Center  
76R3425 CMR-F

H.B. 2296  
By: Bonnen (Jackson)  
Economic Development  
5/3/1999  
Engrossed

### DIGEST

Currently, language in the Health and Safety Code governing the installation and inspection of boilers does not conform to the American Society of Mechanical Engineers (ASME) standards. Changes bringing the two codes into conformance would allow the industry to comply with mandatory construction requirements of the code faster and more efficiently while cutting down on administrative duties for the Texas Department of Licensing and Regulation. H.B. 2296 amends the regulation of boilers.

### PURPOSE

As proposed, H.B. 2296 amends the regulation of boilers.

### RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 755.001, Health and Safety Code, to define "potable boiling water," "process steam generator," "safety appliance," and "standard boiler." Redefines "boiler," "certificate inspection," "heating boilers," "internal inspection," "power boiler," and "unfired steam boiler." Makes conforming changes.

SECTION 2. Amends Section 755.022(a), Health and Safety Code, to set forth provisions to which this chapter does not apply. Deletes text regarding unfired steam boilers.

SECTION 3. Amends Sections 775.025(a) and (b), Health and Safety Code, to require the commissioner of licensing and regulation (commissioner) to require each boiler to be inspected internally and externally at the time of initial installation and at subsequent intervals as provided by this chapter. Requires power boilers, unfired steam boilers, and steam collection or liberation of process steam generators to receive an annual certificate and an annual external inspection.

SECTION 4. Amends Section 755.026(a), Health and Safety Code, to make conforming changes.

SECTION 5. Amends Section 755.027(a), Health and Safety Code, to set forth conditions by which an inspection agency shall file a report with the commissioner in the manner specified by the Texas Department of Licensing and Regulation. Deletes text regarding required information for the report to the commissioner.

SECTION 6. Amends Section 755.029(a), Health and Safety Code, to require the commissioner to issue a certificate of operation for a boiler if certain conditions are fulfilled. Makes conforming changes.

SECTION 7. Amends Sections 755.032(b), (c), and (d), Health and Safety Code, to authorize the commissioner to exchange information with certain other authorities regarding appurtenances on boilers. Deletes text regarding inspection procedures for certain equipment. Makes conforming changes.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 6, 1999

**TO:** Honorable David Sibley, Chair, Senate Committee on Economic Development

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** HB2296 by Bonnen (Relating to the regulation of boilers.), As Engrossed

**No significant fiscal implication to the State is anticipated.**

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JK, TH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 19, 1999

**TO:** Honorable Jim Solis, Chair, House Committee on Economic Development

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB2296** by Bonnen (Relating to the regulation of boilers), **As Introduced**

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JK, TH, CB

# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 2296, by: Senator Jackson,  
(Bill No.) (Author/Sponsor)

was heard by the Economic Development Committee on May 4, 1999,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Barbara Henderson  
(Clerk of the reporting committee)

**IMPORTANT: THE YELLOW COPY OF THIS FORM AND (1) COPY OF YOUR BILL OR RESOLUTION (COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.**

Committee Clerks: Original to Calendar Clerk. Pink copy for committee files. Green and yellow copies to bill author/sponsor.  
Author/Sponsor: Green copy for office files. Submit yellow copy to Administration with your bill.

<sup>f</sup>  
**ENROLLED**

H.B. No. 2296

1 AN ACT

2 relating to the regulation of boilers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 755.001, Health and Safety Code, is  
5 amended to read as follows:

6 Sec. 755.001. DEFINITIONS. In this chapter:

7 (1) "Alteration" means a substantial change in an  
8 original design.

9 (2) "Board" means the board of boiler rules.

10 (3) "Boiler" means:

11 (A) a heating boiler;

12 (B) a nuclear boiler;

13 (C) a power boiler; [or]

14 (D) an unfired steam boiler; or

15 (E) a process steam generator.

16 (4) "Certificate inspection" means the required  
17 internal or external [a] boiler inspection, the report of which is  
18 used by the chief inspector to decide whether to issue a  
19 certificate of operation.

20 (5) "Certificate of operation" means a certificate  
21 issued by the commissioner to allow the operation of a boiler.

22 (6) "Commissioner" means the commissioner of licensing  
23 and regulation.

24 (7) "Department" means the Texas Department of

1        Licensing and Regulation.

2                (8) "External inspection" means an inspection of the  
3 exterior of a boiler and its appurtenances that is made, if  
4 possible, while the boiler is in operation.

5                (9) "Heating boiler" means a steam heating boiler, hot  
6 water heating boiler, hot water supply boiler, or [lined] potable  
7 water heater that is directly fired with oil, gas, solar energy,  
8 electricity, coal, or other solid or liquid fuel.

9                (10) "High-temperature water boiler" means a water  
10 boiler designed for operation at pressures exceeding 160 pounds per  
11 square inch or temperatures exceeding 250 degrees Fahrenheit.

12                (11) "Hot water heating boiler" means a boiler  
13 designed for operation at a pressure not exceeding 160 pounds per  
14 square inch or temperatures not exceeding 250 degrees Fahrenheit at  
15 or near the boiler outlet.

16                (12) "Hot water supply boiler" means a boiler designed  
17 for operation at pressures not exceeding 160 pounds per square inch  
18 or temperatures not exceeding 250 degrees Fahrenheit at or near the  
19 boiler outlet if the boiler's:

20                        (A) heat input exceeds 200,000 British thermal  
21 units per hour;

22                        (B) water temperature exceeds 210 degrees  
23 Fahrenheit; or

24                        (C) nominal water-containing capacity exceeds  
25 120 gallons.

26                (13) "Inspection agency" means an authorized  
27 inspection agency providing inspection services.

1           (14) "Inspector" means the chief inspector, a deputy  
2 inspector, or an authorized inspector.

3           (15) "Internal inspection" means a complete and  
4 thorough inspection of the interior waterside and fireside areas of  
5 a boiler as construction allows.

6           (16) "Nuclear boiler" means a nuclear power plant  
7 system, including its pressure vessels, piping systems, pumps,  
8 valves, and storage tanks, that produces and controls an output of  
9 thermal energy from nuclear fuel and the associated systems  
10 essential to the function of the power system.

11           (17) "Portable power boiler" means a boiler primarily  
12 intended for use at a temporary location.

13           (18) "Potable water heater" means a boiler designed  
14 for operation at pressures not exceeding 160 pounds per square inch  
15 and water temperatures not exceeding 210 degrees Fahrenheit if the  
16 boiler's:

17                   (A) heat input exceeds 200,000 British thermal  
18 units per hour; or

19                   (B) nominal water-containing capacity exceeds  
20 120 gallons.

21           (19) "Power boiler" means:

22                   (A) a high-temperature water boiler; or

23                   (B) a boiler in which steam is generated at a  
24 pressure exceeding 15 pounds per square inch for a purpose external  
25 to the boiler.

26           (20) "Process steam generator" means an evaporator,  
27 heat exchanger, or vessel in which steam is generated by the use of

1 heat resulting from the operation of a processing system that  
2 contains a number of pressure vessels, such as used in the  
3 manufacture of chemical and petroleum products.

4 (21) [~~19~~] "Repair" means the work necessary to  
5 return a boiler to a safe and satisfactory operating condition  
6 without changing the original design.

7 (22) "Safety appliance" means a safety device such as  
8 a safety valve or a safety relief valve for a boiler provided to  
9 diminish the danger of accidents.

10 (23) "Standard boiler" means a boiler that bears a  
11 Texas stamp, the stamp of a nationally recognized engineering  
12 professional society, or the stamp of any jurisdiction that has  
13 adopted a standard of construction equivalent to the standard  
14 required by the commissioner.

15 (24) [~~20~~] "Steam heating boiler" means a boiler  
16 designed for operation at pressures not exceeding 15 pounds per  
17 square inch.

18 (25) [~~21~~] "Unfired steam boiler" means an unfired  
19 pressure vessel in which steam is generated. The term does not  
20 include [~~a-steam-generating-system-that-includes~~]:

- 21 (A) vessels known as evaporators or [~~1~~  
22 [~~B~~] heat exchangers; or

23 (B) [~~E~~] vessels in which steam is generated by  
24 using the heat that results from the operation of a processing  
25 system that contains a number of pressure vessels, as used in the  
26 manufacture of chemical and petroleum products.

27 SECTION 2. Section 755.022(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) This chapter does not apply to:

3 (1) boilers owned or operated by the federal  
4 government;

5 (2) pressure vessels or process steam generators  
6 [~~unfired--steam-boilers~~], other than steam collection or liberation  
7 drums of process steam generators [~~unfired-steam-boilers~~]; [or]

8 (3) manually fired miniature boilers that:

9 (A) are constructed or maintained for  
10 locomotives, boats, tractors, or stationary engines only as a hobby  
11 for exhibition, recreation, education, or historical purposes and  
12 not for commercial use;

13 (B) have an inside diameter of 12 inches or less  
14 or a grate area of two square feet or less; and

15 (C) are equipped with a safety valve of adequate  
16 size, a water level indicator, and a pressure gauge; or

17 (4) boilers that are designed for operation only at  
18 atmospheric pressure and that are equipped with two independent  
19 means to prevent the buildup of pressure.

20 SECTION 3. Sections 755.025(a) and (b), Health and Safety  
21 Code, are amended to read as follows:

22 (a) The commissioner shall require each boiler to be  
23 inspected internally and externally at the time of initial  
24 installation and at subsequent intervals as provided by this  
25 section. The commissioner may provide that the inspection be  
26 performed by any inspector.

27 (b) Power boilers, unfired steam boilers, and steam

1 collection or liberation drums of process steam generators must  
2 receive an annual certificate inspection and an annual external  
3 inspection.

4 SECTION 4. Section 755.026(a), Health and Safety Code, is  
5 amended to read as follows:

6 (a) With the approval of the commissioner and the inspection  
7 agency that has jurisdiction for the power boiler, the interval  
8 between internal inspections may be extended to a period not  
9 exceeding a total of 48 months. For other unfired steam boilers or  
10 steam collection or liberation drums of process steam generators,  
11 the inspection interval may be extended to the next scheduled  
12 downtime of the boiler, but not exceeding a total of 84 months.

13 SECTION 5. Section 755.027(a), Health and Safety Code, is  
14 amended to read as follows:

15 (a) Not later than the 30th day after the date on which a  
16 certificate inspection is performed by an authorized inspector, the  
17 inspection agency employing the authorized inspector shall file a  
18 report with the commissioner in the manner specified by the  
19 department [~~stating:~~

20 [~~(1)--the-condition-of-the-boiler;~~

21 [~~(2)--the-location-of-the-boiler;~~

22 [~~(3)--the-date-of-the-inspection;-and~~

23 [~~(4)--the-name-of-the-inspector].~~

24 SECTION 6. Section 755.029(a), Health and Safety Code, is  
25 amended to read as follows:

26 (a) The commissioner shall issue to the owner or operator of  
27 a boiler a certificate of operation for the boiler if [~~it-is-found]~~

1 after a certificate inspection:

2 (1) the boiler is found to be in a safe condition for  
3 operation; and

4 (2) the owner or operator has paid the fees assessed  
5 under Section 755.030.

6 SECTION 7. Sections 755.032(b), (c), and (d), Health and  
7 Safety Code, are amended to read as follows:

8 (b) [~~The---commissioner---may---adopt---rules---establishing~~  
9 ~~inspection-procedures-for-the--use--of--nondestructive--examination~~  
10 ~~equipment--to-comply-with-the-inspection-requirements-under-Section~~  
11 ~~755-025-~~

12 [(c)] The commissioner may exchange information, including  
13 data on experience, with other authorities that inspect boilers or  
14 their appurtenances, to obtain information necessary to adopt  
15 rules.

16 (c) [(d)] The commissioner or a department employee may not  
17 prescribe the make, brand, or kind of boilers or any appurtenances  
18 on the boiler to purchase.

19 SECTION 8. This Act takes effect September 1, 1999.

20 SECTION 9. The importance of this legislation and the  
21 crowded condition of the calendars in both houses create an  
22 emergency and an imperative public necessity that the  
23 constitutional rule requiring bills to be read on three several  
24 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 2296

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2296 was passed by the House on April 27, 1999, by a non-record vote.

---

Chief Clerk of the House

I certify that H.B. No. 2296 was passed by the Senate on May 17, 1999, by the following vote: Yeas 30, Nays 0.

---

Secretary of the Senate

APPROVED:

---

Date

---

Governor

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2296<sup>(1)</sup> was passed by the House  
on April 27<sup>(2)</sup>, 1999, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 2296 was passed by the Senate  
on May 17<sup>(3)</sup>, 1999, by the following vote:  
Yeas 30<sup>(4)</sup>, Nays 0<sup>(5)</sup>.

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: CT26;

**76TH LEGISLATURE**

**COAUTHOR AUTHORIZATION**

(please request your coauthors to sign this form in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HB 2296

Dennis Bonnen  
signature of primary author

DENNIS BONNEN  
printed name of primary author

3-4-99  
Date

PERMISSION TO SIGN HB 2296 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander	Date	A2600 Counts	Date	A2795 Farabee	Date
A2115 Allen	Date	A2605 Crabb	Date	A2810 Farrar	Date
A2105 Alvarado	Date	A2610 Craddock	Date	A2840 Flores	Date
A2135 Averitt	Date	A2615 Crownover	Date	A2920 Gallego	Date
A2160 Bailey	Date	A2645 Cuellar	Date	A2930 Garcia	Date
A2205 Berman	Date	A2635 Culberson	Date	A2940 George	Date
A2250 Bonnen	Date	A2670 Danburg	Date	A2935 Giddings	Date
A2275 Bosse	Date	A2620 Davis, John	Date	A2880 Glaze	Date
A2260 Brimer	Date	A2625 Davis, Yvonne	Date	A2985 Goodman	Date
A2265 Brown, Betty	Date	A2680 Delisi	Date	A2990 Goolsby	Date
A2270 Brown, Fred	Date	A3385 Denny	Date	A3005 Gray	Date
A2255 Burnam	Date	A2690 Deshotel	Date	A3000 Green	Date
A2300 Capelo	Date	A2705 Driver	Date	A3010 Greenberg	Date
A2400 Carter	Date	A2665 Dukes	Date	A3020 Grusendorf	Date
A2585 Chavez	Date	A2660 Dunnam	Date	A3030 Gutierrez	Date
A2480 Chisum	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2525 Christian	Date	A2770 Edwards	Date	A2695 Hamric	Date
A2520 Clark	Date	A2760 Ehrhardt	Date	A3160 Hardcastle	Date
A2435 Coleman	Date	A2775 Eiland	Date	A3170 Hartnett	Date
A2565 Cook	Date	A2785 Elkins	Date	A3345 Hawley	Date
A2595 Corte	Date	A2790 Ellis, Dan	Date	A3180 Heflin	Date

For chief clerk use only

Bill or Resolution Number:

HB 2296

A3310 Hilbert	Date	A3715 Madden	Date	A4435 Shields	Date
A3250 Hilderbran	Date	A3750 Marchant	Date	A4445 Siebert	Date
A3275 Hill	Date	A2700 Maxey	Date	A4525 Smith	Date
A3270 Hinojosa	Date	A3665 McCall	Date	A4530 Smithee	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4550 Solis, Jim	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4560 Solis, Juan	Date
A3325 Homer	Date	A3840 Merritt	Date	A4505 Solomons	Date
A3320 Hope	Date	A3855 Moreno, Joe	Date	A4515 Staples	Date
A3315 Howard	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3355 Hunter	Date	A3870 Morrison	Date	A4585 Talton	Date
A3360 Hupp	Date	A3865 Mowery	Date	A4605 Telford	Date
A3375 Isett	Date	A3885 Naishtat	Date	A4630 Thompson	Date
A3415 Janek	Date	A3890 Najera	Date	A4635 Tillery	Date
A3410 Jones, Charles	Date	A3895 Nixon, Joe	Date	A4650 Truitt	Date
A3405 Jones, Delwin	Date	A3900 Noriega	Date	A2730 Turner, Bob	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner, Sylvester	Date
A3440 Junell	Date	A3886 Olivo	Date	A4690 Uher	Date
A3475 Keel	Date	A4010 Palmer	Date	A4695 Uresti	Date
A3480 Keffer	Date	A4180 Pickett	Date	A4720 Van de Putte	Date
A3470 King, Phil	Date	A4185 Pitts	Date	A4990 Walker	Date
A3465 King, Tracy	Date	A4200 Puente	Date	A4995 West, George "Buddy"	Date
A3485 Krusee	Date	A4210 Ramsay	Date	A5035 Williams	Date
A3450 Kuempel	Date	A4240 Rangel	Date	A5000 Wilson	Date
A3510 Laney	Date	A4245 Reyna, Arthur	Date	A5020 Wise	Date
A3520 Lengefeld	Date	A4236 Reyna, Elvira	Date	A5015 Wohlgemuth	Date
A3605 Lewis, Glenn	Date	A4250 Ritter	Date	A4980 Wolens	Date
A3600 Lewis, Ron	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3615 Longoria	Date	A4380 Salinas	Date	A5025 Yarbrough	Date
A3620 Luna, Vilma	Date	A4420 Seaman	Date	A5040 Zbranc	Date

A BILL TO BE ENTITLED  
AN ACT

Relating to the regulation of boilers.

MAR 04 1999

Filed with the Chief Clerk

MAR - 8 1999

Read first time and referred to Committee on Economic Development

MAR 29 1999

Reported favorably (~~unfavorably~~)  
(~~substituted~~)

APR 14 1999

Sent to Committee on (Calendars)  
(~~Consent Calendar~~)

APR 26 1999

Read second time (~~amended~~) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote)  
(~~record vote of~~        yeas,        nays,        present,        not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of        yeas,        nays,        present, not voting

APR 27 1999

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote)  
(~~record vote of~~        yeas,        nays,        present,        not voting)

APR 28 1999

Engrossed

APR 28 1999

Sent to Senate

Sharon Carter

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

~~APR 28 1999~~ Received from the House

APR 29 1999

Read and referred to Committee on ECONOMIC DEVELOPMENT

MAY 06 1999

Reported favorably       

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 17 1999

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(       yeas,        nays)

MAY 17 1999

Read second time,       , and passed to third reading by (unanimous consent)  
(~~a viva voce vote~~)  
(       yeas,        nays)

MAY 17 1999

Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays

MAY 17 1999

Read third time,       , and passed by (~~a viva voce vote~~)  
(30 yeas, 0 nays)

May 17, 1999

Returned to the House

Deity King

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 17 1999

Returned from the Senate (~~as substituted~~)  
(~~with amendments~~)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

99 APR 13 PM 5:46

HOUSE OF REPRESENTATIVES

*Handwritten initials*

2296